

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:20-cv-00397-M

JAMES W. TURLEY,)
)
Plaintiff,)
)
v.)
)
SEAN DELANEY, DELANEY LAW)
FIRM, JAMES L. SEAY, JOE T.)
OSBORNE, JAMES A. OLIVER, and HLB)
HATCH LITTLE & BUNN L.L.P.,)
)
Defendants.)

ORDER

On August 19, 2020, Magistrate Judge Swank issued a memorandum and recommendation (the “M&R”). [DE-3] In the M&R, Judge Swank recommended that the court dismiss Plaintiff James W. Turley’s complaint without prejudice for failure to comply with a number of the court’s filing requirements [DE-3], which Judge Swank specifically directed Plaintiff to remedy via separate order on July 24, 2020 [DE-2], and which Plaintiff did not thereafter remedy. The deadline for Plaintiff to object to the M&R has passed, and Plaintiff has not filed any objections.


The Fourth Circuit has said:

The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made. By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.

Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation marks, brackets, emphases, and citations omitted); *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

The court has reviewed the M&R and the record and is satisfied that there is no clear error reflected on the face thereof. Accordingly, the court ADOPTS the M&R and DISMISSES Plaintiff's complaint without prejudice.

SO ORDERED this 14th day of September, 2020.



RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE